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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

NORTHERN PLAINS RESOURCE
COUNCIL, et al.,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS,
et al.,

Defendants,

TC ENERGY CORPORATION, et al.,

Intervenor-Defendants,

STATE OF MONTANA,

Intervenor-Defendant,

AMERICAN GAS ASSOCIATION,
et al.,

Intervenor-Defendants.

CV 19-44-GF-BMM

**Declaration of Donna Shaunesey
in Support of Plaintiffs' Opposition
to Defendants' Motions for Stay
Pending Appeal**

I, Donna Shaunesey, declare and state as follows:

1. My name is Donna Shaunesey. I am over 18 years old and am competent to give this declaration. All information herein is based on my personal knowledge and experience unless otherwise indicated.

2. I live in Charlottesville, Virginia.

3. I am an active member of the Sierra Club, and I serve as the chair of Sierra Club-Virginia Chapter's Piedmont Group.

4. The Atlantic Coast Pipeline ("ACP") is an approximately 604-mile long gas pipeline proposed to be built across West Virginia, Virginia, and North Carolina. This would include approximately 333 miles of 42-inch-diameter pipeline and approximately 186 miles of 36-inch-diameter pipeline. The Army Corps of Engineers authorized the Pipeline's stream and wetland crossings using Nationwide Permit 12. I understand that this included 153 crossings in the Huntington District, 187 crossings in the Pittsburgh District, 889 crossings in the Norfolk District, and 552 crossings in the Wilmington District. The pipeline also includes horizontal directional drilling ("HDD").

5. I am aware that as a result of a lawsuit filed in the Fourth Circuit Court of Appeals by the Sierra Club and others in 2018, challenging the Army Corps' use of Nationwide Permit 12 for ACP, the Huntington, Norfolk, Pittsburgh, and Wilmington Districts suspended or vacated their Nationwide Permit 12

verifications for the pipeline. I understand that the Corps has not yet re-issued its Nationwide Permit 12 verifications for ACP. I am also aware that the U.S. Fish and Wildlife Service's biological opinion for ACP has been vacated by the Fourth Circuit Court of Appeals.

6. I am very concerned about the ACP's impacts on Virginia's environment, including its impact on rivers and streams, and the species that inhabit those ecosystems.

7. The ACP would cross the James River, which feeds directly into the Chesapeake Bay. My understanding is that ACP plans to burrow under the James River using a technique called horizontal directional drilling ("HDD"). I am concerned about the negative impacts that this could have on the river and surrounding ecosystems. I enjoy recreating on the James River, and am on the river at least six times a year. I usually put my kayak in near Wingina, VA, which is less than two miles from where the pipeline would cross the river. Usually I paddle for 45 minutes to an hour and then camp on an island on the James. On these overnight outings, I enjoy observing river otters, wild turkeys, and other wildlife. In addition, about three years ago, I did a three-day canoe trip down the James River with a group of people who are concerned about the ACP's impacts. We launched at Yogaville, VA, at the location where the ACP would cross the river, and paddled downstream to Richmond, VA.

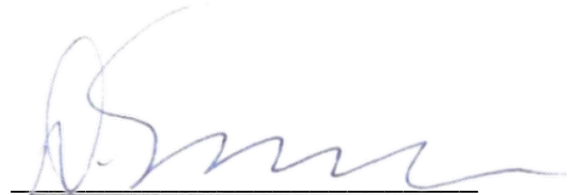
8. I also often visit James River State Park, especially in the winter. I hike along the river, camp there, and enjoy the park's wetlands and other ecosystems. I also go hiking and backpacking in a pristine area along Ramsey's Draft, which is another stream that the ACP would cross. I also recently backpacked at Braley Pond where the pipeline is proposed to cross, and I enjoy hiking in the mountains that the ACP would go through. This includes spending time on the Appalachian Trail, including hiking the section where the pipeline is proposed to cross.

9. I am very concerned about the ACP's potential impacts on Virginia's environment and on wildlife, including endangered and other sensitive species. The Final Environmental Impact Statement for the ACP states that the James spinymussel is a federally endangered species that is known to occur from the headwaters of tributaries of the upper James River watershed; that Atlantic pigtoe may be found in the James River basin; that there are identified occurrences of the green floater within two miles of ACP in the James River; that an introduced population of orangefin madtom is found in the James River drainage; and that there are listed occurrences of the yellow lance in the James River within two miles of ACP. I am worried that constructing and maintaining the pipeline will negatively affect these and other species.

10. If the Army Corps cannot use its flawed Nationwide Permit 12 for this project, it would help protect the ecosystems and species that I'm concerned about.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated this 4th day of May, 2020.



Donna Shaunesey